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10 IN THE UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 CONTRACTORS BONDING AND } Case No. C 08-01973 JL
14 INSURANCE COMPANY, }
15 Plaintiff, } STIPULATION AND ORDER FOR
16 v. } EXTENSION OF DEADLINES FOR ORDER
17 YUE H. LEI, dba K&D } SETTING INITIAL CASE MANAGEMENT
18 CONSTRUCTION, et al. } CONFERENCE AND DEADLINES
19 Defendant. }
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22 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THIS ACTION,
23 through their Attorneys of Record herein:

24 Contractors Bonding and Insurance Company ("CBIC"), Yue H. Lei dba K&D
25 Construction ("K&D"), Susan Marsh ("Marsh") and Richard Jacquot ("Jacquot") have
26 agreed to continue the deadlines set forth in the Order Setting Initial Case Management
27 Conference and ADR Deadlines to allow the parties to this action to participate in an early
28 mediation of the underlying action, *Marsh, et al. v. Kin Wong, et al.*, Action No. CGC

1 05444356, San Francisco Superior Court, (the "underlying matter") towards resolution of it
 2 and the present action. The parties have agreed and hereby stipulate to the following:

- 3 1. All parties hereby consent to proceed before Magistrate Judge Larson and will
 4 each file a Consent to Proceed Before A United States Magistrate Judge.
- 5 2. CBIC grants to Yue H. Lei dba K&D Construction an open extension of time to
 6 respond to the Complaint for Declaratory Relief herein. Said open extension
 7 shall expire 10 days after the date set for mediation of the underlying matter.
- 8 3. CBIC grants to Susan Marsh and Richard Jacquot an open extension of time to
 9 respond to the Complaint for Declaratory Relief herein. Said open extension
 10 shall expire 10 days after the date set for mediation of the underlying matter.
- 11 4. The parties agree to participate in mediation of the underlying matter on or
 12 before September 1, 2008 before a mediator selected by the parties. The
 13 parties agree that mediation of the underlying matter may facilitate resolution
 14 of the present action and/or assist in the narrowing of issues in dispute herein.

15 Accordingly, the parties stipulate and request that the dates which are set forth in
 16 the April 15, 2008 Order Setting Initial Case Management Conference and ADR Deadlines,
 17 and as outlined herein, be continued to the convenience of the Court and to allow the
 18 parties to mediate this matter, as follows:

Scheduled Event	Scheduled Date	Proposed Continued Date
Last day to <ul style="list-style-type: none"> • meet and confer re initial disclosures, early settlement, ADR process selection and discovery plan file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conf.	7/2/08	Three Weeks Prior to Continued CMC Date

1	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 269F) Report and file CMC Statement per Standing Order re Contents of Joint Case Management Statement	7/16/08	One Week Prior to Continued CMC Date
6	Initial Case Management Conference (CMC)	7/23/08	Mid October 2008

8 A true and correct copy of the April 15, 2008 Order Setting Initial Case Management
9 Conference and ADR Deadlines is attached to this Stipulation.

10 IT IS SO STIPULATED.

12 Dated: July 2, 2008

ROGER, SCOTT & HELMER LLP

13 By: 

14 Norman J. Roger
15 Patricia M. Fama
16 Attorney for Plaintiff
17 CONTRACTORS BONDING AND
18 INSURANCE COMPANY

19 IT IS SO STIPULATED.

20 Dated: July 3, 2008

21 SELVIN, WRAITH & HALMAN LLP

22 By: 

23 Gary Selvin, Esq.
24 Attorneys for Defendant
25 YUE M. LEI DBA K&D CONSTRUCTION

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1 IT IS SO STIPULATED.

2 Dated: July 21 2008

3 WINCHELL & TRUETT

4 By: 

5 Harold J. Truett, III, Esq.

6 Attorneys for Defendant

7 SUSAN MARSH and RICHARD JACQUOT

8 IT IS SO ORDERED.

9 Dated: July 2008

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12 Magistrate Judge of the United States District
13 Court

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United States District Court (Northern) CASE NO: C 08-01973 JL
Contractors Bonding and Insurance Co. v. Yue H. Lei, dba K&D Constrc., et al.

PROOF OF SERVICE

I declare that I am, and was at the time of the service hereinafter mentioned, a citizen of the United States of America, employed in the County of San Mateo, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1001 Marshall Street, Suite 400, Redwood City, California 94063. On **July 7, 2008**, I caused to be served the following:

STIPULATION AND ORDER FOR EXTENSION OF DEADLINES FOR ORDER
SETTING INITIAL CASE MANAGEMENT CONFERENCE AND DEADLINES

on the parties involved addressed as follows:

SEE ATTACHED SERVICE LIST

10 **X** **BY ELECTRONIC CASE FILE (CM/ECF) SYSTEM with the United States District**
Court, Eastern District of California Case Management/Electronic Case Filing System.

11 _____ **BY PERSONAL DELIVERY:** I caused each such envelope to be delivered by
hand to the offices of each addressee above. (CCP Section 1010)

12 _____ **BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED:** I caused each such
envelope above, with postage thereon fully prepaid, to be placed in the United
13 States mail at Redwood City, California. (CCP Section 1013(a)(1))

14 _____ **BY MAIL:** I caused each such envelope above, with postage thereon fully
prepaid, to be placed in the United States mail at Redwood City, California.
(CCP Section 1013(a)(1))

15 _____ **VIA FACSIMILE TRANSMISSION** (CCP Section 1013)

16 _____ **VIA OVERNIGHT MAIL -FEDEX** (CCP Section 1013(c))

I am readily familiar with the business practice for collection and processing of mail in this office. That in the ordinary course of business said document would be deposited with the U. S. Postal Service in Redwood City on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on the affidavit.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **July 7, 2008**, at Redwood City, California.

Luz Marie Ramirez

Contractors Bonding and Insurance Company v. Yue H. Lei, dba K&D Constrc., et al.
United States District Court (Northern) Case No. C 08-1973 JL

SERVICE LIST

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Rev: 7/08

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